

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KENNETH M. KANSKY,
Plaintiff,

v.

**COCA-COLA BOTTLING COMPANY OF NEW ENGLAND,
COCA-COLA ENTERPRISES, INC.,
COCA-COLA ENTERPRISES LONG TERM DISABILITY PLAN
A/K/A CORE LTD BENEFITS,
AND
AETNA LIFE INSURANCE COMPANY,**
Defendants.

CIVIL ACTION No.

05-10908 DPW

**Joint Motion to Impound Documents Filed and to be Filed in Connection with Motions for
Summary Judgment Pursuant to Local Rule 7.2**

The parties, by their respective counsel, respectfully request this Court to enter an order impounding all documents filed in connection with the parties' motions for summary judgment that contain sensitive or private medical information regarding the Plaintiff. In further support of this motion, the parties further state:

1. The documents sought to be impounded are the administrative record (documents bearing numbers AR000001 et seq.), and statements and memoranda discussing the contents of the administrative record, including statements of undisputed facts pursuant to Local Rule 56.1, and memoranda in support of motions for summary judgment. These documents contain sensitive and private medical information regarding medical treatment rendered to the Plaintiff.

2. If this Court allows impoundment of the above-described materials, the earliest date that the impounding order could be lifted would be the conclusion of this litigation.

3. The parties suggest that upon the lifting of the impoundment order, each party would be responsible for retrieving and retaining custody of the documents that had been filed under seal pursuant to the impounding order.

4. Since the Plaintiff filed certain documents in the after-hours drop-box on November 30, 2005, it is further requested, pursuant to Local Rule 7.2(d), that this Court order the impoundment of the summary judgment documents already filed by the Plaintiff that would otherwise be subject to this motion.

5. The parties hereby submit a proposed order for this Court's review.

Respectfully submitted:

The Defendants, by their attorneys,

Date: December 1, 2005

/s/ Stephen D. Rosenberg
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Filed Jointly with my Permission and Assent:

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Proposed Impoundment Order

Pursuant to Local Rule 7.2, it is hereby ordered that all documents filed with the Clerk of the District Court on either November 30, 2005 or December 1, 2005 in connection with the above-captioned matter are hereby impounded, to the extent that:

- a. The documents concern the parties' cross-motions for summary judgment; and
- b. The documents either contain or refer to private or sensitive medical information concerning the Plaintiff.

It is further ordered that:

- a. The documents shall be impounded for the duration of this litigation;
- b. Upon the conclusion of litigation of this matter, this impoundment order shall expire, and each party shall at that time be responsible for retrieving documents filed by that party with the Clerk that are subject to this impoundment order. Should there be a subsequent appeal, each party shall bear the responsibility for ensuring that previously impounded documents in their possession are made a part of the record on appeal.

So ordered,

Douglas P. Woodlock, District Judge

Entered December ____, 2005